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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 TIMMY O'NEIL CHARITY,

11 Plaintiff,

No. 2:11-cv-0689 KJN P

12 vs.

13 BOARD OF PAROLE HEARINGS
14 CHAIRPERSON, et al.,

15 Defendants.

ORDER

16 Plaintiff is a state prisoner incarcerated at Chuckawalla Valley State Prison in
17 Blythe, California. Plaintiff, who proceeds without counsel, has filed a pleading designated a
18 civil rights complaint pursuant to 42 U.S.C. § 1983, although the contents of the petition suggest
19 that plaintiff may be seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Under either
20 construction, the pleading was improperly filed in this court.

21 The federal venue statute requires that a civil action, other than one based on
22 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
23 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
24 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
25 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
26 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).


1 In this case, none of the defendants reside in this district. The claim arose in
2 Riverside County, which is in the Central District of California. Therefore, plaintiff's claim
3 should have been filed in the United States District Court for the Central District of California.
4 In the interests of justice, a federal court may transfer a complaint filed in the wrong district to
5 the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
6 1974).

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. This court has not ruled on plaintiff's motion to proceed in forma pauperis, or
9 motion to appoint counsel; and

10 2. This matter is transferred to the United States District Court for the Central
11 District of California.

12 DATED: April 12, 2011

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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